

**Introduced by Senators Perata and Ortiz**  
(Coauthor: Assembly Member Laird)

February 21, 2006

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An act to add Chapter 8 (commencing with Section 105440) to Part 5 of Division 103 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, as introduced, Perata. Biomonitoring.

Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination.

This bill would require the Division of Environmental and Occupational Disease Control within the department to establish the Healthy Californians Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians.

This bill would require the department and the agency to establish an advisory panel to assist the department and the agency. The bill would establish the Healthy Californians Biomonitoring Fund for deposit of funds, for expenditure by the department and agency upon appropriation by the Legislature, for the biomonitoring program. The bill would require the department to provide public access to information, and to report to the Legislature and the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) Chronic disease has reached epidemic proportions in the  
4 United States. An estimated 125 million Americans, or 43  
5 percent of the population, have at least one chronic illness, while  
6 60 million people, or 21 percent of the population, suffer from  
7 multiple chronic conditions. Roughly 20 million American  
8 children suffer from at least one chronic health problem. Cancer,  
9 asthma, birth defects, developmental disabilities, endometriosis,  
10 and infertility, are becoming increasingly common, and mounting  
11 evidence links incidence and severity of these diseases to  
12 exposure to environmental toxicants.

13     (b) Chronic diseases carry enormous costs to California. For  
14 example, the estimated total cost of asthma in California is  
15 approximately \$1.27 billion annually. For individuals born in  
16 1988 with one or more of the 18 most common birth defects,  
17 estimated lifetime costs for medical treatment and lost  
18 productivity exceed \$1 trillion. Special education for the  
19 estimated one million California children with learning  
20 disabilities, carries an annual price tag of \$12 billion.

21     (c) An estimated 100,000 chemicals are registered for use  
22 today in the United States. Another 2,000 chemicals are added  
23 each year. Some toxicological screening data exists for only 7 to  
24 10 percent of these chemicals. More than 90 percent of these  
25 chemicals have never been tested for their effects on human  
26 health. Large numbers of these chemicals are found in cosmetics,  
27 personal care products, pesticides, food dyes, cleaning products,  
28 fuels, and plastics. Because of their ubiquity in modern life,  
29 Californians are commonly exposed to multiple chemicals every  
30 day. Many of these chemicals persist in the environment, and  
31 accumulate and remain in body fat, and have been shown to be  
32 toxic.

33     (d) Biomonitoring studies have scientifically demonstrated  
34 that human exposure to a multitude of persistent chemicals is  
35 both chronic and widespread. The federal Centers for Disease  
36 Control and Prevention has documented the presence of 148  
37 environmental chemicals in the blood and urine of Americans of  
38 all ages and races.

1 (e) The presence of toxins in the environment raises special  
2 health concerns for California families. The developing fetus is at  
3 heightened risk from in utero exposure to harmful chemicals  
4 because the neurological, reproductive, and immunological  
5 systems of a fetus are still in development.

6 (f) Current research indicates possible linkages between fetal  
7 contamination and the adult onset of disease. Biomonitoring  
8 studies will provide data that will help California scientists,  
9 researchers, public health personnel, and community members  
10 explore linkages between chemical exposures and health.

11 (g) Biomonitoring data supports public health by establishing  
12 trends in chemical exposures, validating modeling and survey  
13 methods, supporting epidemiological studies, identifying  
14 impacted communities or particularly vulnerable communities,  
15 addressing the data gaps between chemical exposures and  
16 specific health outcomes, assisting in health responses to  
17 unanticipated emergency exposures, assessing the effectiveness  
18 of current regulations, and helping to set priorities for reform.

19 (h) The priority public policy recommendation from the 2002  
20 International Summit on Breast Cancer and the Environment was  
21 to establish a national biomonitoring program in the United  
22 States.

23 (i) In September 2001, the Legislature passed Senate Bill 702  
24 (Chapter 538, Statutes of 2001), making California the first state  
25 in the nation to begin planning a statewide environmental health  
26 tracking network for chronic diseases and environmental hazards  
27 and exposures. To help implement the program, the Senate Bill  
28 702 Expert Working Group has recommended the establishment  
29 of a statewide biomonitoring program.

30 (j) The Legislature, therefore, finds and declares that the  
31 establishment of a statewide biomonitoring program is necessary  
32 to identify the presence of toxic chemicals in individuals and  
33 communities, to educate and counsel affected individuals and  
34 communities, and to develop strategies to prevent exposures to  
35 potentially harmful chemicals. A biomonitoring program will  
36 expand biomedical, epidemiological, and behavioral public  
37 health research. California, an established leader in health  
38 promotion, health policy, and health care delivery and response,  
39 should encourage and fund this research, which will contribute to  
40 the health and well-being of millions of people.

SEC. 2. Chapter 8 (commencing with Section 105440) is added to Part 5 of Division 103 of the Health and Safety Code, to read:

CHAPTER 8. HEALTHY CALIFORNIANS  
BIOMONITORING PROGRAM

Article 1. General

105440. (a) This chapter shall be known, and may be cited, as the Healthy Californians Biomonitoring Program.

(b) For the purposes of this chapter, the following terms have the following meanings:

(1) “Agency” means the California Environmental Protection Agency.

(2) “Biomonitoring” means the process by which the presence and concentration of toxic chemicals and their metabolites are identified within a biospecimen as a means to assess the chemical body burden.

(3) “Biospecimen” means a sample taken from a biophysical substance, that is reasonably available within a human body, for use as a medium to measure the presence and concentration of toxic chemicals.

(4) “Community” means geographically or nongeographically based populations that may participate in the biomonitoring program. A “nongeographical community” includes, but is not limited to, populations that may share a common chemical exposure through similar occupations, populations experiencing a common health outcome that may be linked to chemical exposures, or populations that may experience similar chemical exposures because of comparable consumption, lifestyle, or product use.

(5) “Department” means the State Department of Health Services.

(6) “Designated chemicals” means those chemicals that are known to, or strongly suspected of, adversely impacting human health or development, based upon scientific, peer-reviewed animal, human, or in vitro studies.

(7) “Director” means the Director of Health Services.

1 (8) “Division” means the Division of Environmental and  
2 Occupational Disease Control within the department.

3 (9) “Office” means the Office of Environmental Health  
4 Hazard Assessment within the agency.

5 (10) “Panel” means the Healthy Californians Biomonitoring  
6 Program Advisory Panel established pursuant to Article 2  
7 (commencing with Section 105448).

8 (11) “Secretary” means the Secretary for Environmental  
9 Protection.

10 105441. The division, in collaboration with the agency, shall  
11 establish the Healthy Californians Biomonitoring Program. The  
12 division is the lead agency for the program unless otherwise  
13 specified in this chapter. The program shall utilize biospecimens,  
14 as appropriate, to identify toxic chemicals that are present in the  
15 bodies of Californians. Biomonitoring shall take place on a  
16 strictly voluntary and confidential basis. Results reported  
17 pursuant to this chapter shall not disclose individual confidential  
18 information of participants. Appropriate biospecimens shall be  
19 used to monitor and assess the presence and concentration of  
20 designated chemicals.

21 105443. (a) All participants shall be evaluated for the  
22 presence of designated chemicals as a component of the  
23 biomonitoring process. Participants shall be provided with  
24 information and a consultation to explain their individual results.  
25 Program administrators shall receive training in administering the  
26 program in an ethical, culturally sensitive, participatory, and  
27 community-based manner.

28 (b) The agency and office, in consultation with experts and  
29 relevant stakeholders, may utilize the program findings to expand  
30 the scope of this program to include a representative cross  
31 section of Californians.

32 (c) Communities selected for biomonitoring shall be reflective  
33 of the economic, racial, and ethnic composition of the state.

34 (d) Educational materials and outreach activities directed to  
35 program participants and communities shall, to the extent  
36 possible, be culturally appropriate and translated as needed. In  
37 addition, educational materials shall be adapted to the  
38 biospecimen being used and shall be produced after consulting  
39 the community that is being biomonitored.

1 105444. (a) The department shall adopt guidelines and model  
2 protocols that address the science and practice of biomonitoring  
3 to implement this chapter and that accomplish all of the  
4 following:

5 (1) Ensure confidentiality and informed consent.

6 (2) Communicate findings to participants, communities, and  
7 the general public.

8 (3) Emphasize all aspects of the program in a culturally  
9 sensitive manner.

10 (4) Serve as a guide for other biomonitoring programs  
11 supported by state funds.

12 (b) The department shall consider, and adapt as appropriate,  
13 the analytical methods utilized by the federal Centers for Disease  
14 Control and Prevention for the studies known collectively as the  
15 National Report on Human Exposure to Environmental  
16 Chemicals.

17 (c) The department shall work in collaboration with the  
18 California Environmental Health Tracking Program.

19 (d) Personal information as defined in Section 1798.3 of the  
20 Civil Code, shall not be shared without the written and informed  
21 consent of the individual to whom it pertains.

22 (e) No governmental agency or private person or entity shall  
23 discriminate against a person or community based upon the  
24 biomonitoring results.

25  
26 Article 2. The Advisory Panel  
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28 105448. (a) The department and the agency shall establish  
29 the Healthy Californians Biomonitoring Program Advisory  
30 Panel. The panel shall be composed of 16 members as follows:

31 (1) Eight members in total, shall have expertise in public  
32 health, epidemiology, environmental health and developmental  
33 biology, and toxicology.

34 (2) The other eight members shall include those who have  
35 expertise in environmental health, environmental justice, the  
36 special vulnerability of children, maternal and child health with a  
37 specialty in breastfeeding, health affected groups, the elderly, and  
38 other communities of concern and one of these members shall be  
39 a representative from industry.

(b) The director, the secretary, the President pro Tempore of the Senate, and the Speaker of the Assembly shall each appoint four members to the panel. Each appointing officer shall appoint two members fulfilling the qualifications of paragraph (1) of subdivision (a) and two members fulfilling the qualifications of paragraph (2) of subdivision (a), except that one of the appointments of the secretary shall be the industry representative set forth in paragraph (2) of subdivision (a).

(c) All members shall be appointed to the panel by July 1, 2007. Each member shall be appointed for a three-year term. Members may be reappointed for additional terms without limitation.

(d) The panel shall meet as often as it deems necessary, with consideration of available resources, but at a minimum, twice a year.

(e) Members of the panel shall serve without compensation, unless program funding is made available for this purpose, but shall be reimbursed for travel and other necessary expenses incurred in the performance of their duties under this chapter.

105449. The panel shall make recommendations to the division and office regarding the design and implementation of the program, with the division and office retaining final decisionmaking authority. The panel shall review program priorities, draft protocols, study reports, outreach materials, and shall make recommendations to the secretary and the director regarding all of the following:

(a) Chemicals that are priorities for biomonitoring in California and communities where biomonitoring will take place.

(b) A review of how findings and reports are communicated prior to their release to participants, legislators, and the public.

105450. The panel shall consider the criteria and recommendations generated by the department's Biomonitoring Planning Project, the California Environmental Health Tracking Network, the California Environmental Health Tracking Program, the Environmental Health Tracking Planning Consortium, and relevant peer-reviewed studies, when making recommendations.

105451. (a) Pursuant to Sections 71110 to 71113, inclusive, of the Public Resources Code, the panel and the program shall utilize the principles of the California EPA Environmental

1 Justice Strategy and Environmental Justice Action Plan that  
2 provide opportunities for the state to develop policies on the  
3 specific priorities of public participation and community capacity  
4 building with meaningful stakeholder input. This strategy and  
5 plan shall accord the highest respect and value to every  
6 individual and community by developing and conducting public  
7 health and environmental protection programs, policies, and  
8 activities in a manner that promotes equity and affords fair  
9 treatment, accessibility, and protection for all Californians,  
10 regardless of race, age, culture, income, or geographic location.  
11 This strategy and plan shall be used to establish the framework  
12 for integrating public participation in this program. The  
13 department may utilize models used by boards, departments, and  
14 offices at the agency for community outreach pursuant to this  
15 section.

16 (b) Public participation activities shall include, but are not  
17 limited to:

18 (1) Conducting stakeholder meetings and workshops to solicit  
19 relevant information, data, suggestions, and feedback for the  
20 development and implementation of the program.

21 (2) For community-based biomonitoring, the creation of  
22 subcommittees reflecting the composition of the communities  
23 that are being biomonitored, to advise the advisory panel.  
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### 25 Article 3. Fiscal Provisions

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27 105453. Any funds provided, shall be deposited into the  
28 Healthy Californians Biomonitoring Fund, which is hereby  
29 established within the State Treasury, for expenditure by the  
30 department and the agency, upon appropriation by the  
31 Legislature, for the purposes of this chapter. Administrative costs  
32 associated with implementing the program established pursuant  
33 to this chapter in any fiscal year shall not exceed 15 percent of  
34 the total funds deposited into the fund for that fiscal year.  
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### 36 Article 4. Reporting

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38 105459. (a) By January 1, 2010, the department shall submit  
39 a report to the Legislature regarding additional activities and  
40 recommendations for improving the program based upon



1 activities and findings to date. Every two years thereafter, in  
2 consultation with the panel, the department shall forward a report  
3 to the Legislature on the program, policy, and relevant inter-  
4 agency activities.

5 (b) The department shall provide the public access to  
6 information which they are required to release pursuant to the  
7 California Public Records Act (Chapter 3.5 (commencing with  
8 Section 6250) of Division 7 of Title 1 of the Government Code).

9 (c) The division and the office shall disseminate biomonitoring  
10 findings to the general public via governmental and other Web  
11 sites in a manner that is understandable to the average person. All  
12 health and environmental exposure data shall be provided to the  
13 general public in a summary format to protect the confidentiality  
14 of program participants. Within 30 calendar days after the  
15 division releases its interim and final report to the Legislature,  
16 the reports shall be made available to the public.